

**REMARKS/ARGUMENTS**

Claims 8-10 are now in the application. Claim 8 has been indicated as being allowable. Claims 8 and 10 are independent claims.

**Allowed Claims.**

Claim 8 has been indicated as being allowed.

**Claim rejections.**

**Claim Rejection Under 35 U.S.C. 112.**

The Office Action rejects claim 9 under 35 U.S.C. 112, second paragraph, as being indefinite. In particular, the Office Action alleges that the phrase "*said sample needles*" lacks antecedent basis.

Applicants have amended claim 9 to read, in relevant part, "*said sample needle*". Applicants submit that the amended phrase has antecedent basis in claim 8, from which claim 9 depends, in the phrase "*a sample container with a sample needle ...*".

Applicants request that amended claim 9 be entered, this rejection withdrawn and claim 9, as amended, now be allowed.

**Claim Rejection Under 35 U.S.C. 102(b) or in the alternative 35 U.S.C. 103(a)**

The Office Action rejects claim 10 as allegedly anticipated by or obvious in view of U.S. Patent 5,604,320 (Boyd).

Applicants' invention as claimed in claim 10 comprises an apparatus for guiding a sample container to a sampling device that includes a movable guidance means capable of securely accepting the top end of the sample container, and then allowing the sample container mouth to be slidably moved and guided towards the sample needle until the needle pierces a septum on the sample container mouth. Applicants assert that this differs from the cited prior art, including Boyd '320 patent, whose invention is directed to a device that supports a sample container along the body of the container by way of a ring insert, rather than a guide means that engages the top end of the sample container and then allows it to be

guided toward the sample needle. To further clarify this point, and to further distinguish claim 10 over the prior art, applicants have amended claim 10 to read, in relevant part:

*"a sleeve having a first end, a second end, ~~and~~ an axis and at least one slot extending from said first end of said sleeve substantially to said second end of said sleeve;*

*.... movable guidance means, having at least one tab attached to the outside of said guidance means, said guidance means being slidably attached within said sleeve with said tab fitting slidably within said slot..*"

Applicants submit that the slot and the tab introduced into claim 10 have counterparts in claim 8 and are therefore elements that have been previously considered. Applicants further submit that these amendments place claim 10 in condition for allowance and therefore requests that this amendment be entered and claim 10, as amended, now be allowed.

#### Summary

Therefore in view of the foregoing amendments and remarks, applicants respectfully requests entry of the amendments, favorable reconsideration of the application, withdrawal of all rejections and objections and that claims 9-10 be allowed at an early date and the patent allowed to issue.

Respectfully submitted,

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